[From the Evansville Courier, June 17, 1996]

TAKE ANOTHER LOOK AT YEAR-ROUND SCHOOL

The Evansville-Vanderburgh School Corp. has good cause to consider starting the school year in mid-August—test-readiness of children is a valid concern in both home and classroom. And in our view, the same argument weighs for future consideration of a year-round school calendar.

The school administration has recommended that the School Board approve a calendar that moves up the beginning of school by eight school days, in great part to allow students more time to prepare for state performance testing.

The ISTEP tests have been given in the spring, but beginning in the fall, they will be administered the last week in September and first week of October. With students returning from a three-month vacation, it will be a challenge for teachers to get them up to school speed in time for the tests. The earlier start would buy time for students and teachers.

The premise here—that students returning from a long summer vacation are not prepared to take a test—seems just cause for consideration of year-round school, such as the plan that will be tried at Lincoln Elementary School on an experimental basis.

In fact, children no longer need a three-month vacation; they no longer need to be off that long to work in the fields.

Three months away from school is counterproductive to learning. As a result, valuable learning time is needed each fall to reacquaint children with learning and to refresh what they learned the previous year.

The School Board should approve the administration's recommendation for the earlier school start, and then ask itself if the same rationale doesn't justify a serious look at year-round school.●

EXECUTIVE SESSION

NOMINATION OF FRANK R. ZAPATA, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: Calendar No. 677, the nomination of Frank Zapata, to be U.S. District Judge for the District of Arizona.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

Frank R. Zapata, of Arizona, to be United States District Judge for the District of Arizona.

NOMINATION OF ANN D. MONTGOMERY, OF MINNESOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nomination on the Executive Calendar: Calendar No. 512, the nomination of Ann Montgomery to be U.S. District Judge for the District of Minnesota.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Would the Senator from Texas wish to state her reason for the objection? Mr. President, could we get the attention of the Senator from Texas?

Mr. President, I have to say, if we are going to start playing this game—I have been urging my colleagues to cooperate not 1 day, not 2 days, not a week, not 2 weeks, but ever since the majority leader got elected to that position, every day. The majority leader has done an extraordinary job of working with me.

But I must tell you, that kind of act is going to end our cooperation pretty fast. That is unreasonable, not acceptable. And to not even respond. I have helped the Senator from Texas as late as last week. I worked very hard to get her legislation passed and sent over to the House. We got it done. We got it done. We would not have gotten it done. And this is the thanks we get, and this is the kind of cooperation we get in return.

Mr. President, it is going to be a long 2 days here and, I must say, an even longer month in September if all the cooperation is expected to come from this side. So we are going to have a lot more to say about this. And before we go into any other unanimous-consent agreements we are going to have a good discussion about what kind of reciprocity there is in this institution. But that is very disappointing and very unacceptable. I yield the floor.

LEGISLATIVE SESSION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL OF TRADING WITH INDIANS ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3215 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3215) to amend title 18, United States Code, to repeal the provision relating to Federal employees contracting or trading with Indians.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

TRADING WITH INDIANS ACT REPEAL

Mr. KYL. Mr. President, I rise in very strong support of this legislation, H.R. 3215, to repeal the Trading with Indians Act. I would note that the Senate has twice approved measures to repeal this 19th century law—in November 1993, and again last October as part of a bill making technical corrections in Indian laws.

Mr. President, I want to begin by thanking the chairman of the Indian Affairs Committee, JOHN MCCAIN, who joined me in sponsoring the Senate companion bill, S. 199, and who encouraged his committee to incorporate it into last year's technical corrections measure. I also want to commend Congressman J.D. HAYWORTH for championing the legislation in the House on behalf of his native American constituents. Without his active support, it is safe to say that the House would not have acted on the measure this year.

When the Trading with Indians Act was enacted in 1834, it had a very legitimate purpose: to protect native Americans from being unduly influenced by Federal employees.

But, a law that started out with good intentions more than a century ago has become unnecessary, and even counterproductive, today. It established an absolute prohibition against commercial trading with Indians by employees of the Indian Health Service and Bureau of Indian Affairs. The problem is that the prohibition does not merely apply to employees, but to family members as well. It extends to transactions in which a Federal employee has an interest, either in his or her own name, or in the name of another person, including a spouse, where the employee benefits or appears to benefit from such interest.

The penalties for violations can be severe: a fine of not more than $5,000, or imprisonment of not more than 6 months, or both. The act further provides that any employee who is found to be in violation should be terminated from Federal employment.

This all means that employees could be subject to criminal penalties or fired from their jobs, not for any real or perceived wrongdoing on their part, but merely because they are married to individuals who do business on an Indian reservation. The nexus of marriage is enough to invoke penalties. It means, for example, that an Indian Health Service employee whose spouse operates a small business on a reservation could be fined, imprisoned, or fired. It means that a family member could not apply for a small business loan without jeopardizing the employee's job.

The legislation before us today will correct that injustice without subjecting native Americans to the kind of